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17 Attorneys for Plaintiff PHARMAPLAST S.A.E.

18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 PHARMAPLAST S.A.E., an Egypti-
21 an share holding company,

22 Plaintiff,

23 vs.

24 ZEUS MEDICAL HOLDINGS LLC,
25 et al.,

26 Defendants.

No. 2:15-CV-02432-JAD-PAL

**STIPULATION TO CONTINUE
TRIAL; [PROPOSED] ORDER**

Trial: 3/27/18

Time: 9:00 a.m.

Judge: The Honorable Jennifer A.
Dorsey

27 WHEREAS the parties hereto, by and through their counsel of record,
28 submitted a joint proposed pretrial order on May 10, 2017, and

**STIPULATION TO CONTINUE TRIAL;
[PROPOSED] ORDER**

1 WHEREAS the Court, having considered the Joint Proposed Pretrial Order
2 and having issued, on May 12, 2017, a Pretrial Order setting the above-captioned
3 for jury trial on March 27, 2018 to commence at 9:00 a.m. in Las Vegas Court-
4 room 6D,

5 The parties hereto having encountered obstacles with presenting the above-
6 captioned cause for trial, do hereby present this stipulation for order continuing
7 trial, as set forth in more particularity as follows:

- 8 1. Plaintiff PHARMAPLAST S.A.E. ("PHARMAPLAST") is an
9 Egyptian share holding company with its headquarters in Alex-
10 andria, Egypt; although it makes sales in North America, its staff,
11 employees and officers rarely travel to the United States, and when
12 they do, it is usually for a trade show in such places as Miami, Las
13 Vegas and Los Angeles;
- 14 2. Default has been entered against defendant ZEUS MEDICAL
15 HOLDINGS LLC, which is a dissolved Nevada limited liability
16 company, and which has not participated in the above-captioned
17 action since it was filed with this Court on Dec. 21, 2015 (ECF
18 Nos. 19, 21, 25);
- 19 3. The above-captioned action was stayed as to defendant ROBERT
20 DANIELS, a Nevada resident, as a result of his 8/31/16 filing of
21 a petition in U.S. Bankruptcy court, Chapter 7 (ECF No. 41-42),
22 his listing of the alleged debt to PHARMAPLAST as a nonpri-
23 ority unsecured debt in his bankruptcy case, in his Schedule E/F
24 on 9/13/16 in that case, and the Order of Discharge given to him
25 in that case under 11 U.S.C. § 727 on Dec. 6, 2016;
- 26 4. Defendant DANIEL MULVANY resides in Kansas City, Kansas
27 and has few contacts with the State of Nevada;
28

- 1 5. Defendant MARK BOLLING resides in Tampa Bay, Florida, and
2 has few contacts with the State of Nevada;
- 3 6. PHARMAPLAST has no business interactions or contacts within
4 the State of Nevada;
- 5 7. With the only defendants who have business in Nevada being
6 either dissolved and defaulted (ZEUS MEDICAL HOLDINGS,
7 LLC) or bankrupt with a discharge of the subject debt (ROBERT
8 DANIELS), the parties hereto have nevertheless diligently pros-
9 ecuted the above-captioned action through civil discovery orig-
10 inally set to close on Sept. 13, 2016 (ECF No. 34 at 2:7) but ex-
11 tended by court order on stipulation through Sept. 14, 2016 (ECF
12 No. 40);
- 13 8. The parties hereto have met and conferred to find suitable dates
14 that serve their interests practically with the least potential for
15 inconvenience to each other and to counsel of record;
- 16 9. If the above-captioned action were to go to trial on March 27,
17 2018, it would be three hundred nineteen (319) days since the
18 pretrial order that was issued on May 12, 2017 (ECF No. 56)
19 setting it for trial;
- 20 10. Continuing this cause to July 9, 2018 would add another one hun-
21 dred four (104) days to the length of time from the pretrial order,
22 making the total amount of time from pretrial order to jury trial
23 one (1) year and fifty-eight (58) days;
- 24 11. In entering into this Stipulation the parties hereto waive such
25 claims, allegations or defenses as might otherwise be made on the
26 basis of diligence in the prosecution of this action for grounds of
27 moving for its dismissal; this stipulation is expressly conditioned
28

1 on the Court's approval of the length of time between pretrial or-
2 der and jury trial, in the absence of which this stipulation is null
3 and void; accordingly, they waive the provisions of Local Rule
4 41-1, which provides as follows:

5
6 "All civil actions that have been pending in this court
7 for **more than 270 days** without any proceeding of rec-
8 ord having been taken may, after notice, be dismissed
9 for want of prosecution by the court sua sponte or on
10 the motion of an attorney or pro se party."

11 12. Due to unforeseen circumstances, the parties have encountered
12 difficulties in proceeding with the trial on the date set by the
13 Court, viz., March 27, 2017, for the following reasons:

- 14 a. Plaintiff PHARMAPLAST travels ten (10) time zones to
15 make the appearance at trial; doing so is inconvenient
16 unless its Chief Executive Officer, Mamdouh Atteia, has
17 other business in the United States at or near the same time
18 as the trial;
19
20 b. Mamdouh Atteia and his staff are scheduled to be in Or-
21 lando, Florida in late July, 2018; if the trial in the above-
22 captioned action were to be set to go out the week of July
23 9-13, 2018, this would suit their schedule; Mr. Atteia and
24 other witnesses who might appear on PHARMAPLAST's
25 behalf would then not pass through Customs more than
26 once and would extend their trip to the United States to
27 reduce the cost of attending trial;

28 /////

1 c. Defendants' counsel, Shawn Perez, Esq., has been invited
2 to a family wedding out of the country between March 25
3 and 29, 2018, at the same time as the currently-scheduled
4 trial; he had not yet received word of the date for this wed-
5 ding when the parties submitted their proposed Pretrial Or-
6 der; the date of this wedding could not have been anticip-
7 ated when the Court ordered the trial to commence on
8 March 27, 2018; and

9 d. Defendants MULVANY and BOLLING themselves have
10 no objection to continuing the trial to the week of July 9-
11 13, 2018.

12 13. The Parties hereto therefore STIPULATE as follows:

13 THAT the following events, previously scheduled on the dates
14 set forth below, be continued to the dates indicated below, if it
15 please the Court, and on the condition that the Court were willing to
16 continue the trial without dismissing the action for want of prosecu-
17 tion sua sponte:

18 A. The Status Conference set for Jan. 16, 2018 at 3:00 p.m. in LV
19 Courtroom 6D before Judge Jennifer A. Dorsey be moved to
20 April 17, 2018 at 3:00 p.m. in LV Courtroom 6D before Judge
21 Jennifer A. Dorsey or such other date, time and place as may
22 please the Court;

23 B. The Calendar Call now set for March 19, 2018 at 1:30 p.m. in LV
24 Court-room 6D before Judge Jennifer A. Dorsey be moved to
25 June 29, 2018 or such other date, time and place as may please
26 the Court; and
27


28 /////

1 C. The jury trial now set for March 27, 2018 at 9:00 a.m. in LV
2 Courtroom 6D before Judge Jennifer A. Dorsey be continued to
3 the week of July 9-13, 2018, commencing at 9:00 a.m. in LV
4 Court-room 6D before Judge Jennifer A. Dorsey or such other
5 time and place as may please the Court.

6 **SO STIPULATED:**


7
8 Dated: 10-31, 2017

9 PLAINTIFF PHARMAPLAST, S.A.E.

10
11 By: 
12 Lawrence M. Boesch, Esq.
13 Law Offices of Barry K. Rothman
14 Attorney for PHARMAPLAST S.A.E.

15 Dated: October 31, 2017

16 DEFENDANTS DANIEL MULVANY
17 AND MARK BOLLING

18
19 Shawn R.
20 By: **Perez** 
21 Shawn Perez, Esq.
22 Law Offices of Shawn Perez
23 Attorney for DANIEL MULVANY and
24 MARK BOLLING
25
26
27
28

Digitally signed by Shawn R. Perez
DN: cn=Shawn R. Perez, o=Law
Office of Shawn R. Perez, ou,
email=shawn711@msn.com, c=US
Date: 2017.10.31 13:55:21 -07'00'

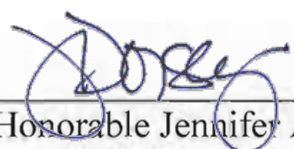
ORDER

For good cause shown, the Court orders the following:

- A. That the Status Conference set for Jan. 16, 2018 at 3:00 p.m. in LV Courtroom 6D before the Honorable Jennifer A. Dorsey be, and it hereby is, continued to April 17, 2018 at 3:00 p.m. in LV Courtroom 6D before Judge Jennifer A. Dorsey;
- B. That the Calendar Call now set for March 19, 2018 at 1:30 p.m. in LV Courtroom 6D before Judge Jennifer A. Dorsey be, and it hereby is, continued to July 23, 2018 at 1:30 p.m. in LV Courtroom 6D before Judge Jennifer A. Dorsey;
- C. That the jury trial now set for March 27, 2018 at 9:00 a.m. in LV Courtroom 6D before Judge Jennifer A. Dorsey be, and it hereby is, continued to July 31, 2018 commencing at 9:00 a.m. in LV Courtroom 6D before Judge Jennifer A. Dorsey.
- D. That the Exhibit List, the Trial Briefs, the proposed jury instructions, and the proposed voir dire are all to be due by July 23, 2018.
- E. That the above-captioned action, having already been set for trial more than 270 days after the pretrial order for good cause, shall, Local Rule 41-1 notwithstanding, not be dismissed for want of prosecution on account of this continuance providing for a further delay of one hundred four (104) days from the pretrial order to the trial.

SO ORDERED.

DATED this 2nd day of November, 2017.


The Honorable Jennifer A. Dorsey
Judge, U.S. District Court
District of Nevada

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U.S. DISTRICT COURT, DISTRICT OF NEVADA

Case No. 2:15-cv-02432 JAD (PAL)

Proof of Service

I am over the age of 18 and not a party to the above-captioned case. My business address is 1901 Avenue of the Stars, Ste. 370, Los Angeles, CA 90067.

The original of the foregoing document entitled: **STIPULATION TO CONTINUE TRIAL; [PROPOSED] ORDER** will be served or was served (a) on the judge in chambers via FedEx in the form and manner required; and true and correct copies of the foregoing document entitled: **STIPULATION TO CONTINUE TRIAL; [PROPOSED] ORDER** were served (b) in the manner stated below:

 X SERVED BY U.S. MAIL: On Oct. 31, 2017, I served the following persons and/or entities at the last known addresses in this case by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows:

Shawn R. Perez, Esq.
Law Offices of Shawn R. Perez
626 S. Third Street
Las Vegas, NV 89101

James J. Ream, Esq.
Law Offices of James J. Ream
333 N. Rancho Drive, #530
Las Vegas, NV 89106

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: Oct. 31, 2017


Lawrence M. Boesch, Esq.